

23031. Adulteration of apples. U. S. v. C. M. Holtzinger Fruit Co., Inc. Plea of nolo contendere. Fine, \$60. (F. & D. no. 31483. Sample nos. 18048-A, 31232-A, 31257-A.)

This case was based on interstate shipments of apples, examination of which showed the presence of arsenic and lead.

On April 28, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the C. M. Holtzinger Fruit Co., Inc. Yakima, Wash., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 28 and November 29, 1932, and February 23, 1933, from the State of Washington into the State of Montana, of quantities of apples which were adulterated. Two of the shipments were labeled in part: "Faced and filled 17 Stayman [or "Winesap"] * * * Yakima Valley Fruit C. M. Holtzinger Fruit Co., Yakima, Wash."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On October 3, 1934, a plea of nolo contendere was entered on behalf of the defendant company and the court imposed a fine of \$60.

M. L. WILSON, *Acting Secretary of Agriculture.*

23032. Misbranding of butter. U. S. v. Swift & Co. Plea of guilty. Fine, \$500. (F. & D. no. 31491. Sample no. 31145-A.)

Samples packages of butter taken from the shipment involved in this case were found to contain less than 1 pound, the weight declared on the label.

On April 12, 1934, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation, trading at Astoria, Oreg., alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about February 22, 1933, from the State of Oregon into the State of Washington, of a quantity of butter which was misbranded. The article was labeled in part: "Weight One Pound Swift's Premium Quality Brookfield Sweet Cream Butter * * * Distributed by Swift & Company * * * Chicago."

It was alleged in the information that the article was misbranded in that the statement, "Weight One Pound" borne on the package, was false and misleading, and in that it was labeled so as to deceive and mislead the purchaser, since the packages contained less than 1 pound of butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 23, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$500.

M. L. WILSON, *Acting Secretary of Agriculture.*

23033. Adulteration and misbranding of butter. U. S. v. Fergus County Creamery. Plea of guilty. Fine, \$100. (F. & D. no. 31531. Sample nos. 44427-A to 44430-A, incl.)

This case was based on the shipment of four lots of butter, samples of which were found to contain less than 80 percent by weight of milk fat.

On July 2, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fergus County Creamery, a corporation, Lewistown, Mont., alleging shipment by said company in violation of the Food and Drugs Act, on or about July 31, 1933, from the State of Montana into the State of California, of quantities of butter which was adulterated, and portions of which were also misbranded. One shipment was labeled: "Armour's Star Quality Cloverbloom * * * Butter * * * Armour Creameries, Chicago, Distributors." Two of the shipments were labeled: "Armour's Cloverbloom * * * Butter * * * Distributed by Armour Creameries, General Offices, Chicago." One shipment consisted of tub butter labeled, "Standard."

The information charged that the article was adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding of portions of the article was alleged for the reason that the statement "Butter", borne on the packages, was false and misleading, and for

the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was butter, a product which should contain not less than 80 percent by weight of milk fat, whereas it contained less than 80 percent by weight of milk fat.

On October 3, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

23034. Adulteration of canned shrimp. U. S. v. 189 Cases and 62 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 31786. Sample nos. 45178-A, 45179-A.)

This case involved an interstate shipment of canned shrimp which was in part decomposed.

On December 27, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 251 cases of canned shrimp at San Francisco, Calif., alleging that the article had been shipped in interstate commerce, on or about November 17, 1933, by the Nassau Packing Co., from Jacksonville, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Florida Chief Brand [or "Musketeer"] Nassau Shrimp * * * Packed by The Nassau Packing Co., S. S. Goffin, Jacksonville, Fla."

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On November 1, 1934, no claimant having appeared, judgment of condemnation and forfeiture was entered and destruction of the product was ordered.

M. L. WILSON, *Acting Secretary of Agriculture.*

23035. Adulteration of canned prunes. U. S. v. 464 Cases of Canned Prunes. Default decree of destruction. (F. & D. no. 31996. Sample no. 56437-A.)

This case involved an interstate shipment of canned prunes which were in part decomposed.

On February 17, 1934, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 464 cases of canned prunes at St. Paul, Minn., alleging that the article had been shipped in interstate commerce, on or about December 8, 1933, by Paulus Bros. Packing Co., from Salem, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Red Tag Fresh Oregon Prunes * * * Paulus Bros. Packing Co. Salem, Oregon."

The article was alleged to be adulterated in that it consisted in part of a decomposed vegetable substance.

On October 15, 1934, the case was called and, no claimant appearing, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

23036. Adulteration of pears. U. S. v. Ingraham Fruit & Cold Storage Co., and Edward S. Small. Pleas of guilty. Fines, \$30. (F. & D. no. 32103. Sample no. 21309-A.)

Examination of the interstate shipment of pears on which this case was based showed the presence of arsenic and lead.

On June 6, 1934, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ingraham Fruit & Cold Storage Co., a corporation, Zillah, Wash., and Edward S. Small, Yakima, Wash., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about February 1, 1933, from the State of Washington into the State of New York, of a quantity of pears which were adulterated. The article was labeled in part: "C. C. Woodall Company, Zillah, Washington. Washington Pears-Messenger Brand."

Adulteration was charged in that the article contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On October 3, 1934, a plea of guilty was entered on behalf of the Ingraham Fruit & Cold Storage Co., and the court imposed a fine of \$25 against the said corporation, and on the same date Edward S. Small entered a plea of guilty and was fined \$5.

M. L. WILSON, *Acting Secretary of Agriculture.*